

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WEIDER HEALTH AND FITNESS, et al.,	:
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Plaintiffs,	:
	:
- against -	:
	:
AUSTEX OIL LIMITED, et al.,	:
	:
Defendants.	:
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17 Cv. 2089 (RMB) (OTW)

ORDER

WHEREAS, pursuant to the order of the United States District Court for the Southern District of New York (the “SDNY Court”) dated and filed on February 19, 2019 (the “Escrow Order”; ECF No. 122), *inter alia*, the Defendants were directed to, *inter alia*, escrow Plaintiffs’ alleged damages into an independent third-party account which may not be drawn down without prior approval of the Court.”;

WHEREAS, Defendants advised the Court that they deposited Plaintiffs’ alleged damages (the “Escrow Fund”) with American Bank and Trust Company of Tulsa, Oklahoma (the “Escrow Agent”) pursuant to an Amended Escrow Agreement dated April 18, 2019 between the Escrow Agent and the Defendants (the “Amended Escrow Agreement”);

WHEREAS, under the terms of the Amended Escrow Agreement, the Escrow Agent shall hold the Escrow Fund as provided in the Escrow Order;

WHEREAS, pursuant to the Decision and Order of the SDNY Court dated and filed on April 9, 2019 (the “April 9, 2019 Order”; ECF No. 145), the SDNY Court denied the Defendants’ motion to vacate the Escrow Order and directed the Plaintiffs to post a bond in the amount of \$90,000 with the Clerk of the Court as security under the Escrow Order;

WHEREAS, pursuant to the April 19, 2019 Order, Plaintiffs posted a bond with the Clerk of the SDNY Court in the amount of \$90,000 (the “Bond”; ECF No. 146);

WHEREAS, on March 6, 2020 the Court issued an order (ECF No. 167) referring the case to Magistrate Judge Ona T. Wang for settlement; and

WHEREAS, the parties invited the non-party preferred shareholders of defendant AusTex Oil Limited, including Ptolemy, to engage in settlement and the non-party preferred shareholders agreed to do so; and

WHEREAS, numerous settlement conferences with Judge Wang were held; and

WHEREAS, the Court having been informed by the parties that they have resolved their dispute and all claims and defenses and have executed a Settlement Agreement dated as of October 9, 2020 (the "Settlement Agreement") which the parties wish to keep confidential, it is:


ORDERED, that the Escrow Agent is hereby authorized and directed to release the Escrow Fund pursuant to and upon any joint written and notarized instructions from Bruce Forman, as representative of Plaintiffs, and Richard Adrey as representative of Defendants, and to terminate the Amended Escrow Agreement, and it is further:

ORDERED, that the Bond is hereby cancelled, and the Clerk of the Court shall release the Bond to the Plaintiffs; and it is further:

ORDERED, that counsel for Defendants shall serve a copy of this Order upon the Escrow Agent within two (2) business days of entry of this Order on the SDNY docket.

On consent of the parties, the Clerk of Court is hereby directed to dismiss and to close this case with prejudice upon the Clerk's receipt of the parties' Stipulation of Dismissal With Prejudice.

Dated: New York, New York
November 24, 2020



RICHARD M. BERMAN
U.S.D.J.